

Minutes of the November 28, 2016 Meeting of the Spencer Board of Selectmen

Members Present: John Stevens, Ralph Hicks, Gary Woodbury, Anthony Pepe, Christopher Woodbury (arrived 7:05PM).

Also Present: Adam Gaudette (Town Administrator), Paul Dell'Aquila (Town Planner), James Williams (SCA), Shirley Shiver, Shirley Hassett, James Sweeney, Lois Mullins, Judy Lochner, Ted Lochner, Sharon Audette, Sarah Morris, Robert Ortiz, Pamela Lindsey, Catherine Driscoll, Tim McNamara (HHG), Steve Chaisson (HHG), Colonel Boothe (HHG), Chad Curll (HHG)

Call to Order:

Chairman Stevens opened the meeting at 6:13 PM and led the Pledge of Allegiance at the Miriam McCourt Social Hall of the Spencer Town Hall

Minutes:

A motion to approve the minutes of the November 1, 2016 meeting was made by Anthony Pepe and seconded by Gary Woodbury. Passed 4/0.

A motion to approve the minutes of the November 14, 2016 meeting was made by Gary Woodbury and seconded by Ralph Hicks. Passed 3/0 with Anthony Pepe abstaining.

Communications:

Robert Ortiz and Sarah Morris spoke regarding the town-wide yard sale, indicating that 71 houses participated. They deemed it a success. They stated that the income generated by the event will be shared by the local schools and parks and recreation department. They further indicated that people came from all over, even coming from Connecticut and New Hampshire. The advertising on the back page of the map was sold out. They and the Board are looking forward to next year's yard sale.

Citizen Input:

None

New Business:

A motion to open the public Hearing on the Proposed Medical Marijuana Facility was made at 6:18 PM by Anthony Pepe and seconded by Ralph Hicks. Passed 4/0.

Adam Gaudette gave an overview of the permitting process for the siting of a Medical Marijuana Facility in Spencer. Mr. Gaudette indicated that town has a by-law already in place, and that organizations such as HHG must complete an application to the state. He further indicated that the Board of Selectmen wanted feedback from the public. Mr. Gaudette then introduced the representatives of HHG who were present. They introduced themselves to the audience as follows: Colonel Boothe, Tim McNamara, Steve Chaisson, and Chad Curll from a technology company who is working for HHG.

Colonel Boothe stated that HHG is a non-profit organization that is formed to provide high quality medical marijuana to people with various illnesses. He stated that 62% of Spencer voters voted to

approve of medical marijuana being sold in Massachusetts. He also stated that HHG will give a 10% discount to low income patients. They hope to purchase an abandoned building. He also stated that the Massachusetts Department of Public Health regulates the industry. He went on to say that the industry is highly regulated and that patients must have a medical marijuana card to purchase the product. He also indicated that HHG will work within the rules of the town. The facility will have 10-12 employees with preference going to Spencer residents. They also plan on dedicating some of their resources and time to local charities.

Mr. Boothe went on to say that the product will be delivered via armored trucks with the packaging locked and with no key being made available to the truck operators. No children will be allowed into the facility and all purchases must be made by people who are at least 21 years of age. The product will be sold in tamper proof containers. He explained that there are currently 32,000 patients with a marijuana card and that only 172 physicians currently prescribe the drug. He displayed a floor plan of the facility which included double doors. He also pledged to work closely with the chief of police. Mr. Boothe ended his presentation by showing a list of communities that have submitted letters of non-opposition.

Chairman Stevens then asked the Board members if they had any questions.

Dr. Hicks asked about their possible locations and indicated the difficulty they might have in being away from a day care center. He also asked if HHG had any other applications pending within a 20 mile radius of Spencer. Mr. Boothe answered that they are confident they can locate away from day care centers and schools and that they do not have applications pending within a 20 mile radius of Spencer.

Mr. Pepe expressed concern and asked about medical marijuana cards and the security of the shipments. Mr. McNamara stated that shipments will arrive via a Brinks-like truck, with no set delivery route or schedule, pre-packaged in locked containers, with the truck personnel not having access to the keys of the containers. In addition, the facility will keep only a 3-4 day product supply in stock. Mr. Pepe also expressed concern that patients might purchase marijuana before their product had run out. Mr. Boothe stated that patients can only get a 10 ounce supply within 60 days. Mr. McNamara further stated that patients will only be able to purchase 1 ounce of product at a time. Mr. Curll stated that they will provide purchase information to the town of Spencer and the state Department of Public Health if they feel a patient is overusing the product. Mr. Pepe also expressed concern that children could mistake the product for baked goods, candy etc. and wanted to know what types of products the marijuana would be sold as. Mr. Boothe stated that they will teach patients about safety. Mr. McNamara said that no products will resemble candy, etc. Mr. Pepe asked if they track doctors' prescriptions. Mr. McNamara indicated that they do not track doctors' prescriptions but the state does. Mr. Pepe expressed concern about sales displays. Mr. Boothe stated they will have bright, clean facilities with specific displays of strains of marijuana for a particular ailment. Mr. Chaisson added that there will be one display for each product with empty containers except for flour which will be locked up each night.

Mr. Chaisson stated the HHG cannot sell recreational marijuana until 2018. He also indicated that he expects the state to pass legislation to regulate the sale of recreational marijuana. Mr. Pepe questioned why chains such as CVS and Walgreens don't sell medical marijuana? Mr. McNamara stated that they do not do so as the banking industry cannot get involved together with the fact there are license restrictions.

Gary Woodbury expressed concerns with I.D. Cards with discussion about drug safety. Mr. Boothe asked if he compared marijuana to opiates. Mr. Woodbury said a drug is a drug! Mr. McNamara said they start patients off with small doses. He further stated that nobody has died from marijuana. They just fall asleep as it has far less dangerous properties than many other drugs. He also indicated that they have a regimen for each ailment. Mr. Woodbury also asked what happens to the product if after 20 days it does not work. Mr. Boothe indicated that they bring back where it is ground up and mixed with sand rendering it unusable. Mr. Stevens asked what happens if people self-dose? What if they pick it up on their own? He also asked about regulations. Mr. McNamara stated that medical marijuana is not taxed but recreational is taxed making it unlikely that folks would pick it up on their own. He also stated that he doesn't know when the regulations will come out.

Representative Donnie Berthiaume stated that he is not against medical marijuana but indicated that eventually medical marijuana retailers will be able to sell recreational marijuana. He said that we could put an article on the Annual Town Meeting to prohibit the sale of recreational marijuana in Spencer, and that neighboring states are suing Massachusetts over this issue. Dr. Hicks inquired as to putting the question on an election ballot. Mr. Gaudette stated there is talk of limiting recreational marijuana retailers to 20% of a communities' liquor store, and a ban medical marijuana facilities from selling recreational marijuana. Mr. McNamara stated he is willing to work with the town.

Resident Ted Lochner wanted to know if a medical degree is required to work at a medical marijuana facility and what forms the marijuana comes in. Mr. Boothe answered that there was no requirement to have a medical degree to work at a medical marijuana retailer, and that the marijuana would come in various forms such as flour and oils.

Resident Sarah Morris inquired as to the number of people in Spencer who use medical marijuana? She was also concerned about the effect the facility might have on increased traffic in town. Mr. Chaisson stated they do not have number of patients by community. Mr. McNamara said patients must go to a special doctor for the medical marijuana prescription and that there is a small number of them making it hard to identify patients. Ms. Morris asked how they turn away someone who wants to buy 10 ounces at a time. Mr. Boothe responded that the town can set a limit on how much of the product can be purchased at one time. He added that no dispensary is allowed to sell more than one ounce at a time.

Resident Shirley Hassett wanted to know if they paid taxes as they are a non-profit organization and the number, if any, of other medical marijuana facilities they have operating. Mr. Boothe responded that they will pay no taxes but will pay a fee as per the final agreement with the town. Mr. McNamara stated that they do not have any facilities open right now, they have job descriptions. Mrs. Hassett also expressed concern that Spencer is on the bus line and that in 2018 HHG could be selling recreational marijuana.

Resident Lois Mullins asked who the employees would be and what training they would have. Mr. McNamara stated that a doctor would indicate the amount they could have and that the patients will start with a small amount and increase it gradually as is necessary.

Resident Cathy Driscoll stated that no medical personnel would work at the dispensary and said the HHG staff present were just investors. She stated that it will be easy to get a medical marijuana card and that friends will get them to get the product for their friends. She said the state already has a drug problem, and we don't need to make it worse. Mr. McNamara said he was a CNA and that dispensaries

are on Cape Cod where there is a serious opiate problem. Mr. Boothe stated there were four dispensaries in Worcester.

Resident Jim Sweeney stated he was a bus driver and has witnessed passengers who were distressed due to drugs, and that the bus line has a problem with it. He said people walk into the dispensaries distressed. Mr. McNamara said in such cases they would call the police or an ambulance. Mr. Sweeney asked if they would have Narcan? Mr. Chaisson said that in 18 months of operation in Massachusetts there have been very few calls for police/ambulance service. Mr. Sweeney then inquired if they would be doing No Trespass orders? Mr. Boothe stated they will have a policy to deal with this issue.

Dr. Hicks suggested a referendum question so the voters can weigh in on the issue. He said there could be more than one question: one for medical marijuana and one for recreational marijuana dispensaries. He asked Mr. Gaudette to have Town Counsel review the issue. Mr. Gaudette said the law provides for only the recreational marijuana question. Dr. Hicks said the medical marijuana dispensary question could be an advisory question and that the election should be done soon.

Mr. Gaudette stated he wished more people were present at the hearing and suggested continuing it to the next meeting. Mr. Pepe said a larger number of people at a hearing may allow for a vote sooner.

Motion:

A motion to continue the hearing to the December 12, 2016 meeting was made by Ralph Hicks and seconded by Chris Woodbury. The vote was unanimous.

Chairman Stevens declared a short recess at 7:50PM.

Chairman Stevens re-opened the meeting at 8:08PM.

Town Administrator's Report:

Mr. Gaudette reminded the Board that the FY 17 Budget has just been finalized at the recent Special Town Meeting. He has begun working on the FY 18 Budget and has asked the Board for their suggestions.

Mr. Pepe stated he would like public safety levels looked at as well as parks and recreation. Mr. Chris Woodbury asked that departments referenced one need that they don't have in their present budget. Dr. Hicks indicated he would like the town hall open four days a week and at least one night a week with the later being a priority. He would also like Luther Hill Park reopened and swimming lessons reinstated. He added that the library budget should be restored as well. Mr. Stevens would like the staffing at ODIS reviewed. Mr. Pepe asked to have the department managers attend a Board meeting to explain what they need and why they need it. He would also like the school district involved in capital planning. Dr. Hicks stated that he spoke with the school district's Comptroller Gary Suter regarding their capital planning, and that they will be inviting him, as their liaison, to a capital sub-committee meeting in the near future. Mr. Gaudette stated that the school district has not participated since Dr. Hicks left the District. Mr. Stevens suggested that a school committee member attend a Selectboard meeting once a month to give an update on the District's progress.

Mr. Pepe recommended having the board members use a score card when evaluating requests with

scoring being based on the impact on quality of life. Mr. Gaudette reminded the Board that directions for the FY 17 Budget will be made available to staff in December. Proposed budgets are reviewed in January, initial presentations in February, and the capital committee, staff and school district meet with the Finance Committee in March. The Warrant closes in April with the Annual Town Meeting in May.

Board Liaison Repots:

None

Citizen Input:

None

Board Member and Staff Comments:

Christoper Woodbury reminded everyone that the Christmas Parade is the Saturday December 3rd at 7:00PM with the lineup at David Prouty High School. Sunday December 4th is the rain date. Mr. Pepe said float forms are still available at the parade site.

Request for Executive Session:

A motion to go into Executive Session for the purpose of Collective Bargaining with the following unions: police, police dispatchers, public utilities and town hall employees per MGL 30A, S21(a) was made by Christoper Woodbury and seconded by Tony Pepe. The roll call vote was: T. Pepe: Aye, G. Woodbury: Aye, J. Stevens: Aye, C. Woodbury: Aye, and R. Hicks: Aye at 8:32 PM.

Executive Session Concludes:

A motion to adjourn was made by Gary Woodbury and seconded by Anthony Pepe at 8:58 PM. The vote was unanimous.

Respectfully submitted,

Ralph E. Hicks
Clerk